THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 17742 of 2006

Date 25-08-2006

Between:

R.Mahender Goud.

..... PETITIONER

AND

The Commissioner of Prohibition & Excise, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.17742 of 2006

O R D E R :

The petitioner claims to be the owner of the Auto Goods Carriage bearing No.AP-25-U-3089. The said vehicle was seized under the cover of panchanama on 01-07-2006 by the Station House Officer, Domakonda on the allegation that the vehicle was involved in an offence punishable under Section 34(a) of the A.P. Excise Act, 1968.

Admittedly, the enquiry initiated by the Deputy Commissioner of Prohibition & Excise, Nizamabad for confiscation of the vehicle is still pending. While so, on a request made by the petitioner for interim custody of the vehicle, the second respondent passed an order dated
23-08-2006 directing release of the vehicle subject to the condition of the petitioner furnishing F.D.R/Bank Guarantee for Rs.95,000/- with any nationalized bank situated in Andhra Pradesh for a period of three years. Aggrieved by the said order, this writ petition is filed.

It is pleaded by the petitioner that the vehicle in question was purchased by him by raising loan from a finance company and by entering into hire-purchase agreement in pursuance of which, he is liable to pay monthly instalments. It is also stated that the income from the said vehicle is the only source of livelihood for his entire family and since he has no other source of income, he is unable to furnish F.D.R./Bank Guarantee for a sum of Rs.95,000/- as directed by the second respondent.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise, I deem it appropriate that the interest of justice would be met if the petitioner is directed to furnish immovable property as security to the value of the vehicle in question instead of furnishing F.D.R./Bank guarantee as directed by the second respondent.

Accordingly, the Writ Petition is disposed of modifying the impugned order dated 23-08-2006 so far as the condition No.1 to the effect that the vehicle in question shall be released in favour of the petitioner on furnishing immovable property security for Rs.95,000/-. The other conditions imposed in the impugned order shall remain valid. No order as to costs.

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25-08-2006

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